

REMARKS

The Office examined claims 1-26, and claims 1-15 and 17-26 are rejected in the final Office Action of June 1, 2007. With this response, claims 1, 21, 22 and 24 are amended. The amendments are made in order to clarify the limitations recited in the claims, and are not made to distinguish the claims from the cited references. All amendments and new claims are fully supported by the specification as originally filed. For at least the reasons discussed below, applicant respectfully requests reconsideration and withdrawal of the rejections. This response is submitted along with a Request for Continued Examination (RCE).

The independent claims are 1, 17, 21, 22 and 24.

Claim Rejections Under § 112

In section 4, on page 2 of the Office Action, claims 21-23 are rejected under 35 U.S.C. § 112, second paragraph as being indefinite. Claim 21 is amended to recite “a second antenna tuned to receive signals in a second frequency band and at least the first frequency band,” and therefore applicant respectfully submits that there is proper antecedent basis for the limitations “the second antenna” and “the first frequency band.”

Claim 22 is amended to recite “a second frequency band,” and therefore this limitation is believed to have proper antecedent basis. Claim 23 is believed to be definite in view of its dependency from claim 22.

Claim Rejections Under § 102

In section 6, on page 3 of the Office Action, claims 1-2, 5-6, 8-9, 11, 13, 17, 20, 22 and 24-26 are rejected under 35 U.S.C. § 102(e) as anticipated by Hong (U.S. Appl. Publ. No. 2003/0125078). Applicant respectfully submits that claim 1 is not disclosed or suggested by Hong, because Hong fails to disclose or suggest all of the limitations recited in claim 1. Claim 1 is amended to clarify that tuning of a second antenna depends upon a signal type in at least a first frequency band or a second frequency band relayed to the second antenna. Therefore, tuning of the second antenna is dependent upon the type of signal, i.e. first or second frequency band, relayed to the second antenna. Claim 1 further recites that the second antenna facilitates reception of signals in the second frequency band and at least the first frequency band received by a first antenna.

In contrast to claim 1, Hong discloses that the first (310) and second (312) GPS/CDMA multiband antennas receive the same combined RF signal, i.e. GPS and CDMA signals, and tuning of the second antenna (312) is not dependent upon a signal type, i.e. in first or second frequency band, relayed to the second antenna, as recited in claim 1. See Hong paragraph [0027]. The tuning of the second antenna (312) in Hong is not dependent upon a signal type in a first or second frequency band relayed to the second antenna, because the second antenna (312) is configured to always receive the combined RF signal, thereby allowing for switching between the combined RF signal received by the first antenna (310) and the combined RF signal received by the second antenna (312) depending on which combined RF signal has the larger received signal strength indicator (RSSI). See Hong paragraph [0029] (the diversity technique of selecting the best out of many RF reception signals is called switching diversity). The amendment to claim 1 clarifies that the signal type references to the frequency band of the signal.

Furthermore, contrary to the assertions of the Office, the “control signal” for controlling the switch (340) in accordance with the comparison results is not the equivalent of the signal type recited in claim 1. See Hong paragraph [0029]. Claim 1 is amended to clarify that signal type refers to whether the signal relayed to the second antenna is in the first or second frequency band. Therefore, the control signal discussed in Hong has nothing to do with the frequency of the signals relayed to the first (310) and second (312) antennas, because the antennas always receive both GPS and CDMA signals. In addition, contrary to the assertions of the Office, tuning of the first (310) or second (312) antennas do not depend upon the control signal, and therefore even if the control signal did correspond to the signal type recited in claim 1, which applicant does not admit, claim 1 is still not disclosed or suggested by Hong.

In Hong, the control signal controls the switch (340) according to which RF signal’s RSSI is greater. For example, if the first RSSI is larger, the switch (340) selects the RF signal provided from the first antenna (310). However, the control signal has no effect on the tuning of either the first (310) or second (312) antennas, because the antennas always receive both GPS and CDMA signals. Hong only discloses selecting which signal from which antenna is to be used. In contrast, claim 1 recites that the second antenna can be tuned to either the first frequency band or the second frequency band depending upon the signal type. Therefore, Hong cannot disclose or suggest tuning the second antenna based upon a signal type relayed to the second antenna, because in Hong the second antenna (312) must always be tuned to receive the

same RF signal as the first antenna (310) in order to allow for switching diversity. See Hong paragraph [0031].

Therefore, for at least the reasons discussed above, claim 1 is not disclosed or suggested by Hong. Independent claims 17, 22 and 24 contain limitations similar to those recited in claim 1, and are rejected for the same reasons as claim 1. Therefore, claims 17, 22 and 24 are also not disclosed or suggested by Hong for at least the reasons discussed above in relation to claim 1.

Claims 2, 5, 6, 8, 9, 11, 13, 20 and 25-26 all ultimately depend from an independent claim, and are patentable over the cited references at least in view of their dependencies.

Claim Rejections Under § 103

In section 7, on page 6 of the Office Action, claims 7 and 10 are rejected under 35 U.S.C. § 103(a) as unpatentable over Hong in view Braun et al. (U.S. Patent No. 6,980,782). Claims 7 and 10 all ultimately depend from an independent claim, and are patentable over the cited references at least in view of their dependencies.

In section 8, on page 7 of the Office Action, claim 12 is rejected under 35 U.S.C. § 103(a) as unpatentable over Hong in view of Balchunas et al. (U.S. Appl. Publ. No. 2006/0097171). Claim 12 ultimately depends from an independent claim, and is patentable over the cited references at least in view of its dependency.

In section 9, on page 8 of the Office Action, claims 3, 4, 15 and 23 are rejected under 35 U.S.C. § 103(a) as unpatentable over Hong in view of Eggleston (U.S. Patent No. 6,414,640). Claims 3, 4, 15 and 23 all ultimately depend from an independent claim, and are patentable over the cited references at least in view of their dependencies.

In section 10, on page 9 Office Action claims 14, 18 and 19 are rejected under 35 U.S.C. § 103(a) as unpatentable over Hong in view of OFFICIAL NOTICE. Claims 14, 18 and 19 all ultimately depend from an independent claim, and are patentable over the cited references at least in view of their dependencies.

Allowable Subject Matter

On page 10 of the Office Action, claim 16 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant respectfully submits that claim 16 depends from claim 1, which is believed to be patentable over the cited references, and therefore claim 16 is believed to be patentable at least in view of its dependency.

Applicant respectfully notes that claim 21 is rejected under § 112, second paragraph as indefinite, but there is no art rejection presented against claim 21 in the present Office Action. In view of this and the amendments to claim 21, applicant respectfully submits that claim 21 is allowable.

Conclusion

Applicant respectfully submits that the present application is in condition or allowance and such action is earnestly solicited. The undersigned hereby authorizes the Commissioner to change any fee deficiency required to submit this response to Deposit Account No. 23-0442.

Respectfully submitted,

Date: 25 July 2007

Keith R. Obert
Keith R. Obert
Attorney for the Applicant
Registration No. 58,051

KRO/kas
WARE, FRESSOLA, VAN DER SLUYS
& ADOLPHSON LLP
755 Main Street, P.O. Box 224
Monroe, CT 06468
Telephone: (203) 261-1234
Facsimile: (203) 261-5676
USPTO Customer No. 004955